

AO 440 (Rev. 01/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

Mattress Firm, Inc.

*Plaintiff*

v.

Gary D. White, et al.

*Defendant*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Gary D. White  
18111 Hollow Oak Ct.  
Dallas, Texas 75287

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gerard G. Pecht  
Fulbright & Jaworski L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 23 2009

Date: \_\_\_\_\_

CLERK OF COURT

DAVID J. BRADLEY



*Signature of Clerk or Deputy Clerk*

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of Texas**

Case Number: 4:04-CV-03072

Plaintiff:

**MATTRESS FIRM**

vs.

Defendant:

**GARY D WHITE, ET AL**

For:

Gerard Pecht

FULBRIGHT & JAWORSKI, LLP

1301 McKinney

Suite 5100

Houston, TX 77010

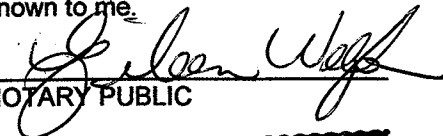
Received by Pipkins Investigations on the 25th day of September, 2009 at 9:00 am to be served on **GARY D WHITE, 18111 HOLLOW OAK COURT, DALLAS, TX 75287.**

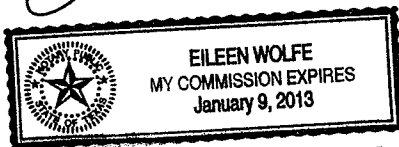
I, Jon L. Wolfe #SCH-2062, being duly sworn, depose and say that on the **28th day of September, 2009 at 10:35 am, I:**

**PERSONALLY** served by delivering a true copy of the **Subpoena in a Civil Case, Plaintiff's Original Complaint, and Order for Conference and Disclosure of Interested Parties** with the date and hour of service endorsed thereon by me, to: **GARY D WHITE** at the address of: **18111 HOLLOW OAK COURT, DALLAS, TX 75287**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Texas Supreme Court Certified Process Server, in good standing.

Subscribed and Sworn to before me on the 29th day of September, 2009 by the affiant who is personally known to me.

  
NOTARY PUBLIC



  
Jon L. Wolfe #SCH-2062  
Process Server

Pipkins Investigations  
9800 Northwest Freeway  
Suite 306  
Houston, TX 77092

Our Job Serial Number: 2009000430